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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,920	08/24/1998	CHRISTOPHER L. AUTEN		4701

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EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/138,920

Applicant(s)  
Auten et al.

Examiner  
Temica M. Davis

Art Unit  
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 17, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-11, 13, 15, 17, 18, and 20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11, 13, 15, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 8-10, 13, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Armani, U.S. Patent No. 5,786,106.

Regarding claim 8, Armani discloses a power source unit (110) comprising a housing (figure 1), a lens (30) located in the wall of the housing (col. 5, lines 8-9; figure 1), a source of illumination (74) located within the housing and positioned to project a beam of light through the lens (col. 5, lines 8-9; figure 3B) to inherently illuminate an area surrounding the device with sufficient candlepower to enable a user to view the area as evidenced by the fact that it is a flashlight (col. 3, lines 42-44), a power source for the source of illumination in electrical communication with the source of illumination (col. 6, lines 36-43) wherein the power source unit may be used to power communication devices and may be used interchangeably with said devices (col. 7, lines 32-44).

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Regarding claim 9, Armani discloses the communications device of claim 8, and further discloses a switch in electrical communication with the power source of the source of illumination (col. 6, lines 36-43).

Regarding claim 10, Armani discloses the communication device of claim 8, and further discloses wherein the source of illumination is an incandescent light bulb (i.e. lamp 74) (col. 5, lines 8-9; figure 3B).

Regarding claim 13, Armani discloses a cordless telephone comprising the power source of claim 8 (col. 7, lines 37-44).

Regarding claim 15, Armani discloses a cellular telephone comprising the power source of claim 8 (col. 7, lines 37-44).

Regarding claim 18, Soon discloses a radio (portable/mobile phone) comprising the power source unit of claim 8 (col. 7, lines 37-44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani and Korycan, U.S. Patent No. 5,950,139.

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Armani and Korycan are combinable because they are from the same field of endeavor, that is radio communications, specifically pertaining to portable devices with light sources.

Regarding claim 11, Armani discloses the communications device/power source unit as described in claim 8.

Armani, however, fails to specifically disclose the source of illumination being an LED.

However, LED's are very known in the art for being used as a source of illumination as evidenced by Korycan (col. 2, lines 23-45; figure 1).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Armani with the teachings of Korycan since, as evidenced by Korycan, it is known that LED's, light bulbs or other sources of light can be used to give light of varying brightness (Korycan, col. 2, lines 40-45).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani.

Regarding claim 20, Armani discloses the communications device of claim 8 as described above.

Armani however, fails to specifically disclose wherein the flashlight is capable of generating from 0.1 to 30 lumens.

The examiner contends however, that since Armani teaches a communication device capable of being used as a flashlight which is inherently used for lighting the user's surrounding area, that the total amount of lumens selected for the light would be sufficient to light a particular

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area and therefore, and that such an amount would have been obvious at the time of invention for the purpose of being able to see in poorly lit areas.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani and Palm, U.S. Patent No. 5,169,225.

Armani and Palm are combinable because they are from the same field of endeavor specifically pertaining to detachable power/light sources.

Regarding claim 17, Armani discloses the power source unit of claim 8. Armani, however, fails to specifically disclose the power source unit being comprised of a portable power tool.

Palm reads on this limitation. Palm discloses a detachable power back with a built in flashlight for use with a power tool (col. 2, line 55-col. 3, line 47; figures 1-5).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Armani with the teachings of Palm since, as evidenced by Palm, it is well known in the art for portable power tools to be used in connection with detachable power/light sources.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 8-10, 13, 15, 17, 18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments with respect to claim 11, filed July 23, 2002 have been fully considered but they are not persuasive.

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Applicant argues that Korycan does not disclose LED's for use in lighting surroundings.

However, Korycan was only used to show that LED's are very well known in the art as light sources. Although Korycan does not specifically disclose the "brightness" of the LED's, Korycan discloses that various types of light sources such as LED's, light bulbs, etc. can have variable brightness (col. 2, lines 23-45).

Therefore, based on the above arguments, the claims stand rejected.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang, U.S. Patent No. 5,973,477, discloses a multi-purpose battery mobile phone.

Chiang, U.S. Patent No. 5,864,766, discloses a cellular telephone battery with auto-answering and hand-free function.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

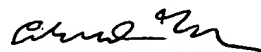
**or faxed to:**

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*



Temica M. Davis  
April 19, 2002



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600